

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MESSIAH CARR-POINDEXTER

Petitioner,

-v-

**WARDEN, Lebanon Correctional
Institution,**

Respondent.

Case No. 3:06-cv-120

**Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #15) IN ITS ENTIRETY;
OVERRULING CARR-POINDEXTER'S OBJECTIONS TO THE
REPORT AND RECOMMENDATION (Doc. #17); DISMISSING CARR-
POINDEXTER'S PETITION FOR A WRIT OF HABEAS CORPUS WITH
PREJUDICE; DENYING A CERTIFICATE OF APPEALABILITY AND
TERMINATING THIS CASE**

This matter comes before the Court pursuant to Petitioner Messiah Carr-Poindexter's ("Carr-Poindexter's") Objections (doc. #17) to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #15). The Report and Recommendations was issued on July 29, 2009. On September 8, 2009, Carr-Poindexter filed objections and the Warden has not filed a response.

The Report and Recommendations recommends that Carr-Poindexter's pro se Petition for a Writ of Habeas Corpus be denied with prejudice and that a certificate of appealability not issue. As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case and particularly of the matters raised in Carr-Poindexter's Objections. Upon said review, the Court finds that Carr-Poindexter's Objections to the Magistrate Judge's Report and Recommendations are not well

taken and they are hereby OVERRULED.

The Report and Recommendations (doc. #15) is ADOPTED IN ITS ENTIRETY. Carr-Poindexter's Petition for a Writ of Habeas Corpus is DISMISSED WITH PREJUDICE. Further, a certificate of appealability will not issue.

The Clerk of Courts is hereby ordered to provide a copy of this Entry and Order to Carr-Poindexter at his last known address. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Ninth day of October, 2009.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Messiah Carr-Poindexter